

# Order

Michigan Supreme Court  
Lansing, Michigan

May 30, 2006

Clifford W. Taylor,  
Chief Justice

129264

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 129264  
COA: 253684  
Macomb CC: 2003-003361-FC

CARL JOSEPH MINTER,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the June 21, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals and REMAND this case to the Macomb Circuit Court for the resentencing of defendant on all of his criminal sexual conduct convictions. The circuit court erred by assessing defendant 50 points under Offense Variable 11 for penetrations that did not arise out of the particular sentencing offense. *People v Johnson* (Docket No. 127525), 474 Mich \_\_\_\_ (March 23, 2006). On resentencing, the circuit court shall assess defendant zero points on each conviction under Offense Variable 11.

We do not retain jurisdiction.

WEAVER, J., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 30, 2006

*Corbin R. Davis*

Clerk